

SULLIVAN & CROMWELL LLP

TELEPHONE: 1-212-558-4000
FACSIMILE: 1-212-558-3588
WWW.SULLCROM.COM

125 Broad Street
New York, New York 10004-2498

LOS ANGELES • PALO ALTO • WASHINGTON, D.C.

BRUSSELS • FRANKFURT • LONDON • PARIS

BEIJING • HONG KONG • TOKYO

MELBOURNE • SYDNEY

September 1, 2021

Via ECF

The Honorable Sidney H. Stein,
U.S. District Court, Southern District of New York,
Daniel Patrick Moynihan U.S. Courthouse,
500 Pearl Street,
New York, New York 10007-1312.

Re: *United States v. Cheedie*, 19-CR-833 (S.D.N.Y.)

Dear Judge Stein:

I write on behalf of defendant Joseph Ciaccio and with the Government's consent to request an adjournment of his sentencing hearing, currently scheduled for September 17, 2021, until November 17, 2021 or any day thereafter convenient to the Court.

Since our last appearance before the Court in July, we have been working to consult with medical experts about Mr. Ciaccio's need for ongoing and extensive medical treatment to manage the collateral effects of injuries he suffered in a motorcycle accident in 2019. As the Court is aware, Mr. Ciaccio has spent most of the time since his accident hospitalized for life-threatening infections and in need of constant medical assistance and care to perform the functions of daily living. At the same time, Mr. Ciaccio has struggled with heroin addiction, with years-long periods of drug-free living interspersed with short relapses at the time of intensely stressful events in his life, a challenge that is complicated by his need to receive painkillers at times under the supervision of a physician due to his injuries.

It has taken time to find experts, particularly during the summer months and particularly as to federal medical facilities. We have been able to obtain little information from the Bureau of Prisons regarding the specifics of how it would address Mr. Ciaccio's needs if Mr. Ciaccio were to be sentenced to a term of imprisonment (including at a federal medical center), which our medical expert believes is crucial to understanding whether Mr. Ciaccio can receive adequate and timely attention for his condition and whether he can continue to rehabilitate. The Government has assisted us in trying to obtain information, and we hope to speak with an attorney for the BOP next week who may provide some information. In any event, after significant searching with the assistance of the Federal

The Honorable Sidney H. Stein

-2-

Defenders, and other CJA and defense counsel, we have now also identified an expert in BOP conditions and capabilities who will work with our medical expert to assess these issues.

As the Court is aware, earlier this year Mr. Ciaccio suffered a relapse in his inclination to seek out drugs. As we informed Pretrial, we recently learned that Mr. Ciaccio has sought to use heroin on two recent occasions, but was blocked from doing so by the treatment facility in which he is living. The facility informed us that it is confident that he is not able to obtain drugs, and that it has not observed any behavior from Mr. Ciaccio suggesting that he has actually ingested drugs or is continuing to try to obtain them since the incidents. Mr. Ciaccio is attending regular AA meetings by videoconference that he finds extremely helpful and supportive. His current facility is also supportive of his progress and has assured us that Pretrial will have full access to conduct drug testing and treatment.

We are making every effort to complete the additional work with experts in support of sentencing on a timely basis. We have informed the Government and Pretrial of our efforts, which we hope and expect will enhance the Court's and the parties' ability to assess the alternatives at sentencing in this case. For these reasons, we respectfully request a two-month adjournment of Mr. Ciaccio's sentencing.

Respectfully submitted,

SULLIVAN & CROMWELL LLP

By: /s/ Nicole Friedlander

Nicole Friedlander

Attorney for Defendant Joseph Ciaccio

*Sept 2, 2021
Sentencing adjourned to November 18 at 11 A.M.
Defense submission due Oct 28; govt submission
due Nov 4.
So ordered.
Sidney H. Stein
J.S.D.*